

Appl. No. : 10/808,221  
Filed : March 23, 2004

### REMARKS

The August 24, 2007 Office Action was based upon pending Claims 1-15 and 17-26. Claims 1, 9, 17, 20-22, 24, and 25 are amended by this paper. Claims 3, 4, and 12 are canceled without prejudice or disclaimer. Thus, after entry of this Amendment, Claims 1, 2, 5-11, 13-15 and 17-26 are pending and presented for further consideration.

### **REJECTION OF CLAIMS 1-26 FOR STATUTORY-TYPE DOUBLE PATENTING**

The Office Action rejected Claims 1-15 and 17-26 under 35 U.S. C. § 101 as claiming the same invention as that of Claims 1-20 of prior U.S. Patent No. 6,727,920.

#### **Claims 1, 9, 17, 20, 21, and 24**

In response, Applicants have further amended independent Claims 1, 9, 17, 20, 21, and 24 to further recite that relaunching under the newly selected operating system proceeds automatically. The applicants respectfully assert that the totality of features recited in amended Claims 1, 9, 17, 20, 21, and 24 are not coextensive in scope with Claims 1-20 of U.S. Patent No. 6,727,920. The Applicants respectfully request that the rejection under 35 U.S. C. § 101 be withdrawn.

#### **Claims 2, 5-8, 10-15, and 18-19**

Claims 2 and 5-8, which depend from Claim 1, Claims 10, 11, and 13-15, which depend from Claim 9, and Claims 18 and 19, which depend from Claim 17, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 9, and 17, respectively, and because of the additional features recited therein. Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S. C. § 101.

#### **No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history

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shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

### CONCLUSION


Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: November 26, 2007

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